

NOTE TO FILE

From: K. Rodriguez

March 28, 2011

Site Name: Flying B #29
UST ID: 10589

I spoke with Gary Bains today about the status of the site. I told him that even though I gave a deadline of today for proof of insurance to be provided, I would wait for Colony to make a decision (which I hope will be tomorrow) about whether or not they will insure the facility. I explained to Gary that if Colony will not write a policy for this UST system, they will be required to remove product from their tanks and temporarily close until they can obtain an insurance policy.

I also discussed with Mr. Bains what Colony would like to see happening at the site based on my conversation with Michelle Williams, Griffin Underwriting. Colony needs work to be done showing that cleanup is in progress. This will need to be demonstrated to them.

I explained to Mr. Bains that Ecology will likely be pursuing cleanup through formal oversight because the groundwater sample results indicate a bigger problem than was found in 1991. I explained that Kevin Wilkerson has not provided me with the information I need to evaluate the condition of the site. I told Mr. Bains that the facility was due for an inspection and it would likely occur in the next week. I asked him if we could drop a sensor into the gw wells to determine if free product is present and with how much thickness. Mr. Bains said that would be fine. I also asked Mr. Bains what they were doing for release detection of the tanks. He couldn't really respond. When asked if there was a tank monitor at the site, Mr. Bains said no. When I asked if they were sticking the tanks every day, he said he thought they were. He wasn't entirely sure what they were doing with that information (to suggest SIR) and said Nabin Joshi would know.

Mr. Bains explained to me that BNSF owned the land and, for this reason, they have hesitated to make improvements on the UST system, the facility, or cleaning up contamination. They would like to purchase the property from BNSF, but so far BNSF hasn't been responsive. I explained that Ecology would be "naming" PLPs and BNSF would be on the short list as the property owner.

Ms. Williams left me a message towards the end of the day saying Colony had not made a decision yet, but she hoped to hear from them the following day. Apparently, Colony keeps asking if "this is the only report for this site?", referring to the 1991 Soil and Groundwater Investigation Report.